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WELLPATH MANAGEMENT, INC.

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**ALAMEDA COUNTY MALE PRISONERS**  
And Former Prisoners, DANIEL GONZALEZ,  
et al. on behalf of themselves and others  
similarly situated, as a Class, and Subclass;  
**ALAMEDA COUNTY FEMALE**  
**PRISONERS** And Former Prisoners, JACLYN  
MOHRBACHER, ERIN ELLIS, DOMINIQUE  
JACKSON, CHRISTINA ZEPEDA, ALEXIS  
WAH, AND KELSEY ERWIN, et al on behalf  
of themselves and other similarly situated,

Plaintiffs,

v.

**ALAMEDA COUNTY SHERIFF'S**  
**OFFICE**, ALAMEDA COUNTY, Deputy Joe,  
Deputy Ignont (sp) Jane ROEs, Nos. 1 – 25;  
**WELLPATH MANAGEMENT, INC.**, a  
Delaware Corporation (formerly known as  
California Forensic Medical Group) a  
corporation; its Employees and Sub-  
Contractors, and Rick & Ruth ROEs Nos. 26-  
50; **ARAMARK CORRECTIONAL**  
**SERVICES, LLC**, a Delaware Limited  
Liability Company; its Employees and Sub-  
Contractors, and Rick & Ruth ROES Nos.  
51-75,

Defendants.

Case No.: 3:19-cv-07423 JSC

**DECLARATION OF JEMMA  
PARKER SAUNDERS IN  
RESPONSE TO ECF NO. 320,  
COURT'S ORDER TO  
PLAINTIFF MICHAEL  
LOCKHART TO APPEAR FOR  
DEPOSITION AND ECF  
NO. 324, PLAINTIFFS' PROOF  
OF SERVICE OF ECF 320 AND  
317 TO MICHAEL LOCKHART**

Action Filed: November 12, 2019  
Judge: Hon. Jacqueline Scott Corley  
Ctrm: E—15th Floor

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**DECLARATION OF JEMMA PARKER SAUNDERS IN RESPONSE TO ECF NO. 320, COURT'S ORDER  
TO PLAINTIFF MICHAEL LOCKHART TO APPEAR FOR DEPOSITION AND ECF NO. 324,  
PLAINTIFFS' PROOF OF SERVICE OF ECF 320 AND 317 TO MICHAEL LOCKHART**

1 I, Jemma Parker Saunders Declare:

2 1. I am an attorney at law licensed to practice before all Courts of the State of  
3 California and before this District Court. I am a member of Bertling Law Group, counsel  
4 of record for Defendant Wellpath in this action. The facts set forth in this declaration are  
5 based on my personal knowledge.

6 2. On August 21, 2023, Plaintiffs' counsel advised Defendants that Michael  
7 Lockhart ("Mr. Lockhart") would not be appearing for his deposition and the deposition  
8 would not be rescheduled. Plaintiffs' counsel thereafter declined to join in a stipulation  
9 to dismiss Mr. Lockhart's claims. On September 22, 2023, at ECF No. 317, Defendants  
10 sought a Court Order compelling Mr. Lockhart to appear for deposition.

11 3. On September 25, 2023, at ECF No. 320, this Court Ordered Defendants to  
12 serve a deposition notice on Plaintiffs' counsel noticing the deposition of Mr. Lockhart  
13 for October 5, 2023, by 5:00 p.m. on September 25, 2023. The Court also Ordered:  
14 "Plaintiffs' counsel shall serve Mr. Lockhart with a copy of this Order and the  
15 information regarding the time and place of the deposition. Plaintiffs' counsel shall file  
16 proof of service by noon, September 26, 2023." ECF No. 320, p.2.

17 4. On behalf of Wellpath, at 4:12 p.m. on September 25, 2023, my office served  
18 the Amended Notice of Taking Deposition of Mr. Lockhart on all counsel. Plaintiffs'  
19 counsel was Ordered to serve a copy of this deposition notice on Mr. Lockhart by no later  
20 than noon on September 26, 2023. Having not received any confirmation Plaintiffs'  
21 counsel complied with this Court Order, at approximately 2:42 p.m. on September 26,  
22 2023, I filed a declaration alerting the Court to Plaintiffs' counsel's conduct and attesting  
23 to these facts. See ECF No. 323.

24 5. Subsequently, on September 26, 2023, at 11:05 p.m., Plaintiffs' counsel filed a  
25 Proof of Service purportedly as belated compliance with the Court's Order from ECF  
26 No. 320. See ECF No. 324. Plaintiffs' counsel's Proof of Service lists the documents  
27 that were served on Plaintiff Michael Lockhart: "1) a true and correct copy of the Court  
28 Order (ECF 320); and 2) Defendants' Joint Letter to the Court (ECF 317)." Per this

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1 Proof of Service at ECF No. 324, Plaintiffs' counsel did **not** provide Mr. Lockhart with  
2 the deposition notice describing the time and place for his deposition on October 5, 2023.

3 6. This Court specifically Ordered Plaintiffs' counsel to "serve Mr. Lockhart with  
4 a copy of this Order **and the information regarding the time and place of the**  
5 **deposition.**" ECF No. 320, emphasis added. Once again, in addition to the previous  
6 failure to adhere to the Court's Order, Plaintiffs' counsel has failed to comply with this  
7 Court's Order regarding Mr. Lockhart's deposition. The purpose of ordering Mr.  
8 Lockhart to be served with the deposition notice designating the time and place for his  
9 deposition was to ensure his appearance at the proceeding. There is no assurance of his  
10 knowledge of the time and location for his appearance.

11 7. Given Plaintiffs' repeated non-compliance with this Court's direct Order  
12 regarding Mr. Lockhart's deposition, Defendants respectfully submit Mr. Lockhart's  
13 claims should be dismissed in accord with the Order at ECF No. 320.

14 I declare under penalty of perjury under the laws of the United States of America  
15 and the State of California that the forgoing is true and correct and that if called to do, I  
16 could and would competently testify thereto. Executed on September 28, 2023, at Santa  
17 Barbara, California.

18  
19 /s/ Jemma Parker Saunders

20 Jemma Parker Saunders  
21 Declarant  
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